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No. 06-1375

In the Supreme Court of the United States

CHIJIOKE VICTOR OKORO, AKA VICTOR OKORO AKA CHIJI V. OKORO, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES

PAUL D. CLEMENT
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
(202) 514-2217

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Petitioner contends that, on review pursuant to *United States* v. *Booker*, 543 U.S. 220 (2005), a federal court of appeals should not treat a sentence within the advisory Sentencing Guidelines range as presumptively reasonable. On November 3, 2006, this Court granted certiorari in *Claiborne* v. *United States*, No. 06-5618, and *Rita* v. *United States*, No. 06-5754, to address various aspects of sentencing procedure under *Booker*, including, in *Rita*, whether it is consistent with *Booker* to accord a presumption of reasonableness to within-Guidelines sentences. Accordingly, the petition for a writ of certiorari should be held pending the Court's resolution

of *Claiborne* and *Rita*, and then disposed of as appropriate in light of the decisions in those cases.*

Respectfully submitted.

PAUL D. CLEMENT
Solicitor General

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* The government waives any further response to the petition unless this Court requests otherwise.